

## SUMMARY OF INTERVIEW

### Exhibits and/or Demonstrations

None

### Identification of Claims Discussed

Claim 1

### Identification of Prior Art Discussed

Hacker et al. ("Immunogold-silver staining – autometallography: recent developments and protocols" in: "Analytical Methodology: Theory, Applications & Protocols", Eds. Jiang Gu, Eaton Publishing, Chapter 2, pages 41-54, 1997.

Lockhart et al. (USP 6,344,316)

### Proposed Amendments

None

### Principal Arguments and Other Matters

Applicant's representatives argued that one skilled in the art the combination of Hacker and Lockhart would motivate one skilled in the art to use catalytic reduction of metal to detect targets bound to microarrays. Applicant's representatives argued that Lockhart et al. do not teach or suggest using silver enhancement to detect target molecules bound to a microarray. In addition, Applicant's representatives argued that Hacker teaches away from using silver enhancement of colloidal gold to detect targets bound to microarrays because Hacker et al. teach that in colloidal gold-silver staining of *in situ* samples some immunogold reagents available on the market do not produce high labeling density and generate an unacceptable background labeling. When high-quality products are used, one still needs to check and optimize every step of the procedure (see page 49, first paragraph). The foregoing aspects of *in situ* use of silver enhancement discussed in Hacker et al. would not motivate a skilled artisan to use it in the context of high throughput microarray analysis where reproducibility, sensitivity requiring low background, amenability to automation, and ability to quantitate the target molecule are important.

### Results of Interview

The Examiner indicated that he would consider a 3<sup>rd</sup> party 132 Declaration showing that a person skilled in the art at the time this invention was made would not have been motivated to

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use colloidal gold-silver staining in microarrays. Applicant's representative agreed to consider submitting such a declaration.